

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address NEXUS BANKRUPTCY Benjamin Heston (297798) 100 Bayview Circle #100 Newport Beach, CA 92660 Tel: 951-2290-2827 Fax: 949-288-2054 ben@nexusbk.com	FOR COURT USE ONLY
<input type="checkbox"/> <i>Individual appearing without attorney</i> <input checked="" type="checkbox"/> <i>Attorney for: Debtor</i>	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Patricia Ann Doublet	CASE NO: 6:23-bk-10896-WJ CHAPTER 13
NOTICE OF MOTION AND MOTION IN INDIVIDUAL CASE FOR ORDER IMPOSING A STAY OR CONTINUING THE AUTOMATIC STAY AS THE COURT DEEMS APPROPRIATE	
(with supporting declarations)	
DATE: March 22, 2023 TIME: 2:30 p.m. COURTROOM: 304 PLACE: 3420 Twelfth Street Riverside, CA 92501	
Debtor(s).	

Movant: Patricia Ann Doublet

1. NOTICE IS HEREBY GIVEN to **THE BANK OF NEW YORK MELLON, SCHOOLSFIRST FEDERAL CREDIT UNION** (Secured Creditor/Lessor), trustee (if any), and affected creditors (Responding Parties), their attorneys (if any), and other interested parties that on the above date and time and in the stated courtroom, Movant in the above-captioned matter will move this court for an order imposing a stay or continuing the automatic stay as to certain creditors and actions described in the motion on the grounds set forth in the attached motion.
2. Hearing Location:
 255 East Temple Street, Los Angeles, CA 90012 411 West Fourth Street, Santa Ana, CA 92701
 21041 Burbank Boulevard, Woodland Hills, CA 91367 1415 State Street, Santa Barbara, CA 93101
 3420 Twelfth Street, Riverside, CA 92501
3. a. This Motion is being heard on REGULAR NOTICE pursuant to LBR 9013-1. If you wish to oppose this Motion, you must file a written response to this motion with the court and serve a copy of it upon the Movant's attorney (or upon Movant, if the motion was filed by an unrepresented individual) at the address set forth above no less

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

than 14 days before the above hearing and appear at the hearing of this motion.

b. This motion is being heard on SHORTENED NOTICE. If you wish to oppose this motion, you must appear at the hearing. Any written response or evidence must be filed and served: at the hearing at least 0 days before the hearing.

(1) An Application for Order Setting Hearing on Shortened Notice was not required (according to the calendaring procedures of the assigned judge).

(2) An Application for Order Setting Hearing on Shortened Notice was filed per LBR 9075-1(b) and was granted by the court and such motion and order has been or is being served upon the appropriate creditor(s) and trustee, if any.

(3) An Application for Order Setting Hearing on Shortened Notice has been filed and remains pending. Once the court has ruled on that motion, you will be served with another notice or an order that will specify the date, time and place of the hearing on the attached motion and the deadline for filing and serving a written opposition to the motion.

4. You may contact the Clerk's Office or use the court's website (www.cacb.uscourts.gov) to obtain a copy of an approved court form for use in preparing your response (optional court form F 4001-1.RESPONSE), or you may prepare your response using the format required by LBR 9004-1 and the Court Manual.

5. If you fail to file a written response to the motion or fail to appear at the hearing, the court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.

Date: **March 8, 2023**

Nexus Bankruptcy

Printed name of law firm (if applicable)

Benjamin Heston

Printed name of individual Movant or attorney for Movant

/s/Benjamin Heston

Signature of individual Movant or attorney for Movant

MOTION FOR ORDER IMPOSING A STAY OR CONTINUING THE AUTOMATIC STAY AS THE COURT DEEMS APPROPRIATE

Movant: Patricia Ann Doublet

1. The Property or Debt at Issue:

a. Movant moves for an order imposing a stay with respect to the following property (Property):

Vehicle (*describe year, manufacturer, type, and model*): **2017 Chevrolet Suburban**
Vehicle Identification Number: **1GNSCGKC7HR241522**
Location of vehicle (*if known*): **In Debtor's Possession**

Equipment (*describe manufacturer, type, and characteristics*):
Serial number(s):
Location (*if known*):

Other Personal Property (*describe type, identifying information, and location*): **All personal property in which Debtor has an interest.**

Real Property
Street Address: **4890 Huntsmen Place**
Apt./Suite No.:
City, State, Zip Code: **Fontana, CA 92336**
Legal description or document recording number(include county of recording):

See attached continuation page

The following creditor(s) have a security interest or unexpired lease in this Property (give full name and address of creditor) (see below) to secure the sum of approximately (see below) now owed. (Secured Creditor/Lessor). Additional creditors who are the subject of this motion, and their respective claims, addresses and collateral, are described on the continuation sheets attached. (*Attach additional sheets as necessary*)

The Bank of New York Mellon
Po Box 10826
Greenville, SC 29603-0826
Debtor's Residence - \$375,000

SchoolsFirst Federal Credit Union
Po Box 11547
Santa Ana, CA 92711-1547

b. Movant moves for an order **imposing a stay** with respect to *any and all actions* against the Debtor and the estate taken concerning the debt/lease owed to the Secured Creditors/Lessors as described in this motion; and/or

c. Movant moves for an order **imposing a stay as to all creditors**.

d. Movant moves for an order **continuing the automatic stay** with respect to any and all actions against the Debtor and the estate taken concerning the debt/lease owed to the Secured Creditor/Lessor, and/or

e. Movant moves for an order **continuing the automatic stay as to all creditors**.

2. Case History:

a. A voluntary An involuntary petition concerning an individual[s] under chapter 7 11 12
 13 was filed concerning the present case on (*specify date*): **March 8, 2023**

b. An Order of Conversion to Chapter 7 11 12 13 was entered on (*specify date*):

c. Plan was confirmed on (*specify date*):

d. Other bankruptcy cases filed by or against this Debtor have been pending within the past year preceding the petition date in this case. These cases and the reasons for dismissal are:

1. Case name: **In re Patricia Ann Doublet**

Case number: **6:22-bk-11243-WJ**

Chapter: **13**

Date Filed: **April 2, 2022**

Date dismissed: **February 23, 2023**

Relief from stay re this Property

was

was not granted

Reason for dismissal:

The Chapter 13 Trustee filed a Motion to Dismiss after a payment had not yet posted by the due date. Debtor tendered the payment which posted to the Trustee's accounting prior to the deadline for filing an opposition. The Court ultimately ruled on the Trustee's Motion without a hearing before the Chapter 13 Trustee had an opportunity to withdraw the Motion.

2. Case name:

Case number:

Chapter:

Date Filed:

Date dismissed:

Relief from stay re this Property

was

was not granted

Reason for dismissal:

See attached continuation page

e. As of the date of this motion the Debtor has has not filed a statement of intentions regarding this Property as required under 11 U.S.C. §521(a)(2). If a statement of intentions has been filed, Debtor has has not performed as promised therein.

f. The first date set for the meeting of creditors under 11 U.S.C §341(a) is/was **April 26, 2023 at 8:00 a.m.** and the court has has not fixed a later date for performance by Debtor of the obligations described at 11 U.S.C. §521(a)(2). The extended date (*if applicable*) is .

g. In a previous case(s), as of the date of dismissal there was:

an action by the Secured Creditor/Lessor under 11 U.S.C. §362(d) still pending or

such action had been resolved by an order terminating, conditioning or limiting the stay as to such creditor.

3. The equity in the property is calculated as follows:

a) 1. Property description/value: **4890 Huntsman Place, Fontana, CA 92336** \$825,000

2. Creditor/Lien amount: **The Bank of New York Mellon** \$375,000

3. Creditor/Lien amount: \$

4. Creditor/Lien amount: \$

5. Creditor/Lien amount: \$

6. Total Liens \$375,000

7. Debtor's Homestead Exemption \$500,000

8. Equity in the Property (subtract lines 6 and 7 from line 1 and enter here) \$0

b) 1. Property description/value: _____ \$____

2. Creditor/Lien amount: _____ \$____

3. Creditor/Lien amount: _____ \$____

4. Creditor/Lien amount: _____ \$____

5. Creditor/Lien amount: _____ \$____

6. Total Liens _____ \$____

7. Debtor's Homestead Exemption _____ \$____

8. Equity in the Property (subtract lines 6 and 7 from line 1 and enter here) _____ \$____

See attached continuation page

4. **Grounds for Continuing the Stay:**

a. Pursuant to 11 U.S.C. § 362(c)(3) the stay should be continued on the following grounds:

1. The present case was filed in good faith notwithstanding that a prior single or joint case filed by or against the individual Debtor which was pending within the year preceding the petition date was dismissed, because:

A. The prior dismissal was of a case not refiled under chapter 7 after dismissal under 11 U.S.C. § 707(b);
B. Good faith is shown because:

Debtor's prior case got off to a bit of a rocky start due to Debtor having to take time off work for cancer treatments. After the Debtor was just a few days late on her car payment, the lender filed a Motion for Relief from Stay, which was resolved by including the car payment as in the conduit payment. The addition of the conduit payment resulted in an overlap between with the direct payment and the higher conduit payment.

The factors that caused Debtor's prior case to be dismissed were beyond her control. Debtor's current case is feasible, and will pay 100% of all claims.

See attached continuation page

2. The Property is of consequential value or benefit to the estate because:

A. The fair market value of the Property is greater than all liens on the Property as shown above in paragraph 3 and as supported by declarations attached (describe separately as to each property);
B. The Property is necessary to a reorganization for the following reasons:

It is the Debtor's principal residence. In re Elmore, (BC CD CA 1988) 94 BR 670, 677.

See attached continuation page

C. The Secured Creditor/Lessor's interest can be adequately protected by (describe Movant's proposal for adequate protection:) __

Debtor will make all post-petition mortgage payments. 11 U.S.C. § 361(1).

Property has a substantial equity cushion. In re Mellor (9th Cir. 1984) 734 F2d 1396, 1400; Matter of Plaza Family Partnership (ED CA 1989) 95 BR 166, 171; In re Helionetics, Inc. (BCCD CA 1987) 70 BR 433, 440; In re Southerton Corp. (MD PA 1982) 46 BR 391, 399.

See attached continuation page

3. The presumption of a bad faith filing under 11 U.S.C. § 362(c)(3)(C)(i) is overcome in this case as to *all creditors* because:

A. The prior dismissal was pursuant to the creation of a debt repayment plan. 11 U.S.C. § 362(i);
B. Debtor's failure to file or amend the petition or other documents as required by the court or Title 11 of the United States Code and resulting in dismissal was excusable because such failure was caused by the negligence of Debtor's attorney;
C. Debtor's failure to file or amend the petition or other documents as required by the court or Title 11 of the United States Code and resulting dismissal was excusable because __

See attached continuation page

D. Debtor's failure to provide adequate protection as ordered by the court in the prior case is excusable because _____

See attached continuation page

E. Debtor's failure to perform the terms of a confirmed plan in the prior case is excusable because _____

See attached continuation page

F. There has been a substantial change in the personal or financial affairs of the Debtor since the dismissal of the prior case(s) as follows:

Since the Debtor is in much better health and does not need to take time off work, her financial situation has stabilized. Additionally, there is approximately \$10,000 that the Chapter 13 Trustee is holding from the prior case will be refunded to the Debtor. She intends to put this money into a savings account that will be dedicated to ensuring that she has a buffer for her plan payments.

From this, the court may conclude that this case, if a case under chapter 7, will result in a discharge or, if under chapter 11 or 13, in a confirmed plan that will be fully performed.

See attached continuation page

G. For the following additional reasons:

See attached continuation page

4. The presumption of a bad faith filing as to the Secured Creditor/Lessor under 11 U.S.C. §362(c)(3)(C)(ii) is overcome in this case because _____

See attached continuation page

5. **Grounds for Imposing a Stay:**

a. Pursuant to 11 U.S.C. §362(c)(4) this case was filed in good faith and grounds exist for imposing a stay as follows:

1. The Property is of consequential value or benefit to the estate because the fair market value of the Property is greater than all liens on the property as shown above in paragraph 3 and as supported by declarations attached.

2. The Property is of consequential value or benefit to the estate because the Property is necessary to a reorganization for the following reasons: _____

See attached continuation page

3. The Secured Creditor/Lessor's interest can be adequately protected by (*describe Movant's proposal for adequate protection*): _____

See attached continuation page

b. The present case was filed in good faith notwithstanding that the prior single or joint cases filed by or against the individual Debtor pending within the year preceding the petition date were dismissed, because:

1. The prior dismissal was of a case not refiled under chapter 7 after dismissal under 11 U.S.C. §707(b);

2. Good faith is shown because _____

See attached continuation page

c. The presumption of a bad faith filing under 11 U.S.C. §362(c)(4)(D)(i) is overcome in this case as to *all creditors*

because:

1. Debtor had a substantial excuse in failing to file or amend the petition or other documents as required by the court or Title 11 of the United States Code, resulting in the prior dismissal(s) as follows: _____

See attached continuation page

2. Debtor's failure to file or amend the petition or other documents as required by the court or Title 11 of the United States Code and resulting dismissal was as the result of the negligence of Debtor's attorney;

3. Debtor's failure to provide adequate protection as ordered by the court in the prior case is excusable because _____

See attached continuation page

4. Debtor's failure to perform the terms of a confirmed plan in the prior case is excusable because _____

See attached continuation page

5. There has been a substantial change in the personal or financial affairs of the Debtor since the dismissal of the prior case(s) as follows: _____

(from which the Court may conclude that this case, if a case under chapter 7, may be concluded with a discharge or, if under chapter 11 or 13, with a confirmed plan that will be fully performed).

See attached continuation page

6. For the following additional reasons _____

See attached continuation page

7. The presumption of bad faith as to the Secured Creditor/Lessor under 11 U.S.C. §362(c)(4)(D)(ii) is overcome in this case because _____

See attached continuation page

6. Evidence in Support of Motion: (Important Note: Declaration(s) in support of the Motion MUST be attached hereto).

- a. Movant submits the attached Declaration(s) on the court's approved forms (if applicable) to provide evidence in support of this Motion pursuant to LBRs.
- b. Other Declaration(s) are also attached in support of this Motion:
- c. Movant requests that the court consider as admissions the statements made by Debtor under penalty of perjury concerning Movant's claims and the Property set forth in Debtor's(s') Schedules. Authenticated copies of the relevant portions of the Schedules are attached as _____.
- d. Other evidence (specify): _____

7. An optional Memorandum of Points and Authorities is attached to this Motion.

WHEREFORE, Movant prays that this Court issue an Order Imposing a Stay and granting the following (specify forms of relief requested):

1. That the Automatic Stay be continued in effect as to all creditors until further order of the court.
2. That the Automatic Stay be continued in effect as to the Secured Creditor/Lessor with respect to the Property until further order of the court.
3. That the Automatic Stay be continued in effect as to the Secured Creditor/Lessor with respect to actions to collect the

debt owed to the Secured Creditor/Lessor until further order of the court.

4. That a Stay be imposed as to all creditors until further order of the court..
5. That a Stay be imposed as to the Secured Creditor/Lessor with respect to the Property until further order of the court.
6. That a Stay be imposed as to the Secured Creditor/Lessor with respect to actions to collect the debt owed to the Secured Creditor/Lessor until further order of the court.
7. For adequate protection of the Secured Creditor/Lessor by (*specify proposed adequate protection*) __
8. For other relief requested, see attached continuation page.

Date: **March 8, 2023**

Respectfully submitted,
Patricia Ann Doublet

Movant Name

Nexus Bankruptcy

Firm Name of attorney for Movant (if applicable)

/s/Benjamin Heston

Signature

Benjamin Heston

Printed Name of Individual Movant or Attorney for Movant

DECLARATION OF MOVANT

I __, am the __ of Movant. I have read the foregoing motion consisting of __ pages, and the attached materials incorporated therein by reference. If reference is made to balances owing, my testimony regarding same is based upon the business records of Movant kept in the ordinary course of business of Movant by persons whose responsibility it is to accurately and faithfully record information as to the Debtor's account on or near the date of events recorded. I am one of the custodians of such business records.

I, Patricia Ann Doublet, am the Debtor in this Chapter 13 bankruptcy case filed on January 11, 2021. I have personal knowledge of all matters stated herein. On all matters stated on information and belief, I believe those allegations to be true. I could competently testify to the allegations contained herein.

I have read the foregoing Motion and the attached materials incorporated therein by reference. These allegations are true to the best of my knowledge.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date

Printed name of declarant

Signature

1 NEXUS BANKRUPTCY
2 BENJAMIN R. HESTON (297798)
3 100 Bayview Circle #100
Newport Beach, CA 92660
Tel: (951) 290-2827
Fax: (949) 288-2054
ben@nexusbk.com

5 Attorney for Debtor

6 **UNITED STATES BANKRUPTCY COURT**

7 **CENTRAL DISTRICT OF CALIFORNIA**

8 **RIVERSIDE DIVISION**

9 In re:

10 PATRICIA ANN DOUBLET,

11 Debtor.

Case No.: 6:23-bk-10896-WJ

Chapter 13

12 **DECLARATION REGARDING SECURED
DEBT PAYMENT HISTORY IN
SUPPORT OF MOTION TO CONTINUE
STAY**

16 I, Patricia Doublet, declare as follows:

- 17 1. I am the Debtor in this Chapter 13 bankruptcy case filed on March 8, 2023. I have
18 personal knowledge of all matters stated herein. On all matters stated on information and
19 belief, I believe those allegations to be true. I could competently testify to the allegations
20 contained herein.
- 21 2. I have read the attached Motion to Continue the Automatic Stay. The allegations
22 contained therein are true and correct.
- 23 3. The assets in this bankruptcy case include the real property located at 4890 Huntsmen
24 Place, Fontana, CA 92336 (“Property”) which I have listed on Schedule A/B with a value
25 of \$825,000. There is currently a foreclosure sale scheduled for April 7, 2023.
- 26 4. The Property is my current residence.
- 27 5. The Property is encumbered by a first deed of trust in favor of The Bank of New York.
28 a. The current principal balance owing is \$375,000.

1 b. My monthly mortgage payment is currently \$1,705.06
2 c. The unpaid, accrued arrearage is \$87,000.
3 6. During each of the months listed below, I made the following payments on my first deed
4 of trust:

MONTH	Amounts Paid to 1st Lienholder
January 2022	\$0.00
February 2022	\$0.00
March 2022	\$0.00
April 2022	\$0.00
May 2022	\$1,791.71
June 2022	\$1,704.00
July 2022	Conduit
August 2022	Conduit
September 2022	Conduit
October 2022	Conduit
November 2022	Conduit
December 2022	Conduit
January 2023	Conduit
February	\$0.00

21 7. Attached to this declaration are true and correct copies of proof of any and all payments
22 made during the last six months.
23 8. In 2022, my total income from all sources was \$133,905.55.

24 ///
25 ///
26 ///

1 9. In 2023, my income from all sources is \$26,248.64 as of the date of this declaration.

2 I declare under penalty of perjury under the laws of the United States and the State of
3 California that the foregoing is true and correct.

4 Date: March 8, 2023


PATRICIA DOUBNET

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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**100 Bayview Circle #100
Newport Beach, CA 92660**

A true and correct copy of the foregoing document entitled (*specify*): **Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 3/8/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On 3/8/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**Judge Wayne E. Johnson
3420 Twelfth Street
Suite 384 / Courtroom 304
Riverside, CA 92501-3819**

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on ___, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

3/8/2023 **Benjamin Heston**
Date **Printed Name**

/s/Benjamin Heston
Signature

Employment Development
Dept.
Bankruptcy Group MIC 92E
Po Box 826880
Sacramento, CA 94280-0001

Mohela
Claims Department
633 Spirit Dr
Chesterfield, MO 63005-1243

The Bank of New York Mellon
Po Box 10826
Greenville, SC 29603-0826

Franchise Tax Board
Personal Bankruptcy MS A340
P.O. Box 2952
Sacramento, CA 95812-2952

SchoolsFirst Federal Credit
Union
Po Box 11547
Santa Ana, CA 92711-1547

Trustee Corps
17100 Gillette Ave
Irvine, CA 92614-5603

Internal Revenue Service
Centralized Insolvency Operation
PO Box 7346
Philadelphia, PA 19101-7346

Shellpoint Mortgage Servicing
Po Box 10826
Greenville, SC 29603-0826

CERTIFIED MAIL

**1505 Corporation 112
C T Corporation System
Registered Agent for Service of Process
for The Bank Of New York Mellon
28 Liberty Street
New York, NY 10005**

**Thomas P. Gibbons
CEO of The Bank Of New York Mellon
240 Greenwich Street
New York, NY 10286**



STATE OF CALIFORNIA
Office of the Secretary of State
STATEMENT OF INFORMATION
CORPORATION

California Secretary of State
 1500 11th Street
 Sacramento, California 95814
 (916) 653-3516

For Office Use Only

-FILED-

File No.: BA20220208506
 Date Filed: 5/12/2022

Entity Details			
Corporation Name	THE BANK OF NEW YORK MELLON		
Entity No.	2657667		
Formed In	NEW YORK		
Street Address of Principal Office of Corporation			
Principal Address	240 GREENWICH STREET NEW YORK, NY 10286		
Mailing Address of Corporation			
Mailing Address	240 GREENWICH STREET NEW YORK, NY 10286		
Attention			
Street Address of California Office of Corporation			
Street Address of California Office	None		
Officers			
Officer Name	Officer Address	Position(s)	
THOMAS P. GIBBONS	240 GREENWICH STREET NEW YORK, NY 10286	Chief Executive Officer	
James Killerlane	240 Greenwich Street New York, NY 10286	Secretary	
• Emily Portney	240 GREENWICH STREET New York, NY 10286	Chief Financial Officer	
Additional Officers			
Officer Name	Officer Address	Position	Stated Position
+ Joseph Echevarri	240 GREENWICH STREET NEW YORK, NY 10286	Chairperson of Board	
Agent for Service of Process			
California Registered Corporate Agent (1505)	C T CORPORATION SYSTEM Registered Corporate 1505 Agent		
Type of Business			
Type of Business	Banking		
Email Notifications			
Opt-in Email Notifications	Yes, I opt-in to receive entity notifications via email.		
Labor Judgment			
No Officer or Director of this Corporation has an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code.			

Electronic Signature

By signing, I affirm that the information herein is true and correct and that I am authorized by California law to sign.

Kelly Lettmann

Signature

05/12/2022

Date